

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 99-0363 MMC

Plaintiff,

**ORDER GRANTING REQUEST FOR
AUTHORIZATION AS ASSIGNEE OF
RECORD**

v.

ALEXANDER LUSHTAK,

Defendant.

/

Before the Court is the “Request [for] Authorization by Court to be Assignee of Record,” filed April 29, 2011 by Judgment Recovery Specialist (“JRS”). No response has been filed by any party hereto. Having read and considered the request, the Court rules as follows.

On January 30, 2001, judgment was entered in the above-titled criminal action. In the judgment, the Court ordered defendant Alexander Lushtak to pay restitution in specified amounts to twenty-two victims, including \$15,000 to Tatiana Shabanov,¹ \$22,000 to Yuri Shabanov, and \$550,000 to Edward Olshanetsky.

On August 27, 2010, JRS filed two separate documents titled Acknowledgment of Assignment. In the first of said filings, Tatiana Shabanov assigned to JRS her “rights, title

¹Although the judgment lists said individual as “Tatyana Shabanov,” the correct spelling of the first name, as she has indicated in subsequent filings, is “Tatiana.”

1 and interest" in the judgment, and in the second, Diana Shabanov, who has assumed the
2 rights of Yuri Shabanov under the judgment,² assigned to JRS her "rights, title and interest"
3 in the judgment. Thereafter, on January 18, 2011, JRS filed an Acknowledgment of
4 Assignment, in which Edward Olshantesky assigned to JRS his "rights, title and interest" in
5 the judgment.

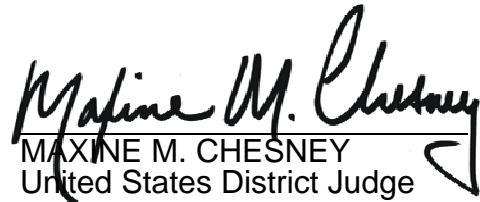
6 By the instant request, JRS seeks an order recognizing that, in light of the above-
7 referenced Acknowledgments of Assignment, JRS is the assignee of record of all said
8 rights of Tatiana Shabanov, Diana Shabanov, and Edward Olshantesky under the
9 judgment.

10 A party awarded restitution in a criminal judgment may assign his or her rights under
11 the judgment to a third party. See, e.g., United States v. Turner, 312 F.3d 1137, 1144 (9th
12 Cir. 2002) (directing probation office to "honor as valid the [judgment creditor's] assignment
13 of restitution" to third party). As set forth above, JRS has adequately demonstrated the
14 rights of Tatiana Shabanov, Diana Shabanov, and Edward Olshantesky under the judgment
15 have been assigned to JRS.

16 Accordingly, the request is hereby GRANTED.

17 **IT IS SO ORDERED.**

18
19 Dated: June 1, 2011


MAXINE M. CHESNEY
United States District Judge

27 ²In prior filings, Diana Shabanov has represented that she is the daughter of Yuri
28 Shabanov, and that Yuri Shabanov is deceased. Where a person awarded restitution is
deceased, "another family member" may "assume the victim's rights" under an order of
restitution. See 18 U.S.C. § 3663A(a)(2).